

111 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-15177-2023

Date of decision: 31.07.2023

Tarlochan Singh

.....Petitioner

V/s

Punjab State Power Corporation Limited and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. J.S. Jaidka, Advocate
for the petitioner.

DEEPAK MANCHANDA J. (ORAL)

Instant petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus, directing the respondent authorities to promote the petitioner to the post of A.E. w.e.f. 09.05.2022 i.e., the date when his juniors have been promoted as such.

Learned counsel for the petitioner contends that while the petitioner was working as A.A.E. with the respondent-Corporation and had claimed promotion to the post of A.E. (Assistant Engineer) being an eligible candidate wherein, the name of the petitioner was mentioned in the seniority list at serial No.3306 of the Scheduled Castes Category. The list for final promotion was declared on 09.05.2022 but the name of the petitioner did not figure in this list and persons junior to the petitioner were promoted. Later on, after making enquiries, the petitioner was orally informed that his name

was not there in the promotion list as a chargesheet dated

09.09.2021(Annexure P-3) had earlier been served upon him wherein reply has been filed by the petitioner (Annexure P-4) but there has been no movement/progress on the chargesheet and the enquiry has not been concluded and the final decision has not been taken and the matter has been delayed which is in contravention to its own regulations of the respondent-Corporation which mandate a time bound decision of the chargesheet. Learned counsel further submits that in case the decision of chargesheet is delayed, the employee can be provisionally promoted and his case is squarely covered by the judgment dated 22.07.2021(Annexure P-6) passed in *CWP-13213-2021 (O&M)* titled *Rishav Singla Vs. The Punjab State Power Corporation Limited and Another*, *CWP-21744-2014* titled *Amrik Singh Viridi Vs. Punjab State Power Corporation Limited and others* decided on 20.02.2020 as well as *CWP-6724-2012 titled Union of India and another Vs. C.K. More, IDES, Jammu Cant and Another* decided on 29.05.2012 by this Court and also submits that it is the duty of the respondent-Corporation to decide the chargesheet in a time bound manner and prays that since the rights of the petitioner has been unnecessarily prejudiced as, the persons juniors to the petitioner have been promoted. He also submits that a representation dated 16.02.2023 (Annexure P-7) which is still pending consideration, the petitioner would be satisfied if necessary directions are given to respondents for deciding the representation in a time bound manner in the light of the order dated 22.07.2021 (Annexure P-6) passed in *CWP-13213-2021 (O&M)*.

Notice of motion.

Ms. Sukriti Gupta, Advocate has put in appearance on behalf of respondents, filed her *memo of appearance* and does not object to the prayer made by learned counsel for the petitioner.

In view of the pleadings in the present petition, the present petition is disposed of and the respondents are directed to decide the representation dated 16.02.2023 (Annexure P-7) in the light of order dated 22.07.2021 (Annexure P-6) passed in **CWP-13213-2021 (O&M)**, by passing a speaking order within a period of 8 weeks from the date of receipt of certified copy of this order.

The petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

31.07.2023
Sapna

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No